

REMARKS

Regarding the status of the present application, Claims 4 and 12 have been amended, and Claims 1-28 are pending in this application.

Claims 4 and 12 were objected to because of certain informalities noted by the Examiner. Claims 4 and 12 have been amended to address the antecedent basis issued raised by the Examiner and are considered clear and definite. Withdrawal of the Examiner's objection is respectfully requested.

The drawings were objected to because "THE" in the first line of box 72 in Figure 3 is misspelled as "HE". Enclosed is an amended drawing figure having proposed corrections marked in red ink. Also enclosed is a replacement reproducing master having corrections contained therein. Entry of the amended drawing and replacement reproducing master is respectfully requested.

Claims 1-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,473,523 issued to Newman et al. in view of US Patent No. 6,522,354 issued to Kawamura et al. in view of US Patent No. 6,636,259 issued to Anderson et al. in view of US publication 2004/0070612 of Sinclair et al. It is respectfully submitted that the cited references have been combined using improper hindsight reconstruction, and distortion of the express teachings of the cited references. It is respectfully submitted that the Examiner's rejection is in error.

It is respectfully submitted that there is no express teachings contained in the cited references that would suggest their combination. This has been done by the Examiner using improper hindsight reconstruction based upon the teachings contained in the present application. The fact that the Examiner has attempted to combine four references supports this conclusion.

It is respectfully submitted that there must be some disclosure or teaching contained in the cited references that would suggest that they be combined in the manner suggested by the Examiner. However, such support cannot be found in the references, and therefore combining of the cited references by the Examiner constitutes hindsight reconstruction. This will be discussed in detail below.

Claim 1 calls for:

A camera comprising:
a display;
a customizable menu that comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed by a user; and
apparatus that provides speaking capabilities and which is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected;
wherein, when a particular item of the menu is selected, the preassigned customized descriptor associated with that particular item is audiblized using the speaking capabilities.

The Newman et al. patent discloses an imaging device that includes an OCR function. The Newman et al. patent mentions at column 9, lines 26-37 that a text to speech function may be included. In particular, it is stated that "In an alternate embodiment, an additional function can be added to aid blind or partially sighted people by synthesizing speech from OCR'd text displayed in viewfinder 4. In this alternate embodiment, audio data stored in memory 25 representing the word identified after OCR'ing or translation into a desired language is output through speaker 30."

The Examiner admitted that "Newman does not disclose a menu as claimed." In addition, it is respectfully submitted that the Newman et al. patent also does not disclose or suggest anything regarding the other claimed aspects of the invention recited in Claim 1, namely that the customizable menu comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed, and that the speaking apparatus is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected.

With specific regard to Claim 1, the Newman et al. patent discloses a camera having a display, and that a text to speech function may be used to speak OCR'd text that is extracted from an image. The Newman et al. patent does not disclose or suggest "a customizable menu that comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed by a user." There are no selectable items used in the Newman et al. device. In accordance with the Newman et al. patent, text is selected within an image by a user using a cursor. It is respectfully submitted that text selection within an image cannot and would not be done using selectable items that correspond to tasks. It is respectfully submitted that selecting a menu item would not automatically select any desired text present in an image. This must be done manually by the user using the cursor.

While the Newman et al. patent discloses apparatus that has speaking capability, it does not disclose or suggest "apparatus ... which is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected." There are no selectable menu items disclosed or suggested in the Newman et al. patent. There are no preassigned customized descriptors disclosed or suggested in the Newman et al. patent. Furthermore, nothing is disclosed or suggested in the Newman et al. patent relating to preassigning a custom descriptor for selectable items that correspond to selected tasks or actions.

Thus, although the Newman et al. device has speaking capabilities, such capabilities are totally unrelated to the presently claimed invention. The teachings of the Newman et al. patent generally have nothing to do with the present invention.

Furthermore it is respectfully submitted that the art Newman et al. patent does not disclose or suggest that it would be desirable to utilize a customizable menu, or a customizable menu that comprises a plurality of selectable items that respectively correspond to selected tasks

or actions that may be performed by a user. Nor is there any disclosure or suggestion that it would be desirable to provide speaking capabilities and which is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected. There is no need for a menu system or a customizable menu system in the Newman et al. device.

The Examiner cited the Kawamura et al. as disclosing a "camera system which includes a menu displayed on the display comprising a plurality of selectable items that correspond to a selected tasks." The Examiner admitted that "Kawamura does not disclose a menu which is customizable." However, the Anderson et al. patent was cited as disclosing a customizable menu system.

It is respectfully submitted that there is no need for a menu system or a customizable menu system in the Newman et al. device, otherwise this would have been discussed in the Newman et al. patent. Furthermore, if it would have been desirable to have a customizable menu system in the Kawamura et al. camera, it would have been discussed therein.

In addition, even if the Kawamura et al. camera were modified to have a customizable menu system, this is irrelevant to the teachings of the Newman et al. patent, since there is no disclosure or suggestion that it would be desirable to include such a feature in the Newman et al. device. Furthermore, there is no need for a customizable menu system in the Newman et al. patent for the reasons discussed above.

The Sinclair et al. application was cited by the Examiner as disclosing "that the use of "screen reader" systems in a user interface to speak information about a selected item of the interface for users with visual impairment are indispensable and allow the user to operate the device."

The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the speaking capabilities of the camera of Newman as a "screen reader" to speak information relating to the selected menu item in the menu of Kawamura in view of Anderson in order to allow partially sighted/visually impaired users to easily operate the camera device.

The Newman et al. patent discloses use of a cursor to select text in an image. A user that is partially sighted or visually impaired would probably have difficulty in locating or identifying the text in the image. If the user cannot identify the text, then having a menu system to assist in accomplishing this would not be able to select the text, since it must be visually identified by the user.

It therefore is respectfully submitted that the Examiner's combining of the teachings of the four cited references amounts to blatant hindsight reconstruction. Combining of the references has been done in piecemeal manner using the teachings of the cited references in light of the teachings contained in the present application.

It is respectfully submitted that there must be some teaching contained within the cited references that would suggest their combination. There is no such teaching contained in the cited references that would suggest their combination and specifically to provide for a customizable menu that comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed by a user. There are no selectable items used in the Newman et al. device. While the Newman et al. patent discloses apparatus that has speaking capability, it does not disclose or suggest apparatus ... which is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected.

It is respectfully submitted that there is no teaching or disclosure contained in the cited references that would suggest combining their teachings. In order to properly combine the teachings of the cited references, there must be some teaching or disclosure that would suggest such a combination. This is not the case. Therefore, it is respectfully submitted that combining the teachings of the cited references amounts to hindsight reconstruction.

Therefore, with specific reference to Claim 1, it is respectfully submitted that the cited references do not disclose or suggest "a customizable menu that comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed by a user" and "apparatus that provides speaking capabilities and which is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected" as is recited therein, and certainly not without distorting the express teachings of the cited references and using improper hindsight reconstruction.

Accordingly, it is respectfully submitted that Claim 1 is not obvious in view of the cited references, taken singly or together, and not without using improper hindsight reconstruction. Withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested.

Dependent Claims 2-9 are considered allowable over the cited references based upon their dependence from Claim 1. Withdrawal of the Examiner's rejection and allowance of Claims 2-9 are respectfully requested.

With regards to Claim 10, the Examiner argued that "Claim 10 contains the limitations of claims 1 and 2. Therefore, claim 10 is analyzed and rejected as previously discussed with respect to claims 1 and 2."

With regards to Claim 10, it is respectfully submitted that the arguments presented above support the allowability of Claim 10 over the cited references, taken singly or together. It is respectfully submitted that the cited references, taken singly or together, do not disclose or suggest, without using improper hindsight reconstruction, a camera for communicating with an external device that comprises:

"a customizable menu that comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed by a user, and which initiate a

through connection with the external device, and, when selected, cause the selected task or action to be performed on the external device in a preprogrammed manner; and

apparatus that provides speaking capabilities and which is programmed with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected;

wherein, when a particular item of the menu is selected, the preassigned customized descriptor associated with that particular item is audiblized using the speaking capabilities."

Therefore, it is respectfully submitted that Claim 10 is not obvious in view of the cited references, taken singly or together, and not without using improper hindsight reconstruction. Withdrawal of the Examiner's rejection and allowance of Claim 10 are respectfully requested.

Dependent Claims 11-17 are considered allowable over the cited references based upon their dependence from Claim 10. Withdrawal of the Examiner's rejection and allowance of Claims 11-17 are respectfully requested.

With regards to Claims 18-26, the Examiner argued that "Claims 18-26 are method claims corresponding to apparatus claims 1-9. Therefore, claims 18-26 are analyzed and rejected as previously discussed with respect to claims 1 and 2."

With regards to Claim 18, it is respectfully submitted that the arguments presented above support the allowability of Claim 1 over the cited references, taken singly or together. It is respectfully submitted that the cited references, taken singly or together, do not disclose or suggest, without using improper hindsight reconstruction, a method comprising:

"configuring the device to have a customizable menu system including a menu comprises a plurality of selectable items that respectively correspond to selected tasks or actions that may be performed by a user;

programming the customizable menu system with a preassigned customized descriptor for each of the selectable items of the menu that represent the respective action performed when a particular item is selected; and

when a particular item of the menu is selected, audiblizing the preassigned customized descriptor associated with that particular item using the speaking capabilities."

Therefore, it is respectfully submitted that Claim 18 is not obvious in view of the cited references, taken singly or together, and not without using improper hindsight reconstruction. Withdrawal of the Examiner's rejection and allowance of Claim 18 are respectfully requested.

Dependent Claims 19-26 are considered allowable over the cited references based upon their dependence from Claim 18. Withdrawal of the Examiner's rejection and allowance of Claims 19-26 are respectfully requested.

With regards to Claims 27 and 28, the Examiner rejected them based upon the arguments relating to claims 1 and 2.

With regards to Claim 27, it is respectfully submitted that the arguments presented above support the allowability of Claim 1 over the cited references, taken singly or together. It

is respectfully submitted that the cited references, taken singly or together, do not disclose or suggest, without using improper hindsight reconstruction, a camera comprising:

"customizable selection means comprising a plurality of selectable items for performing selected tasks or actions; and

programmable speaking means that provides speaking capabilities and comprises a preassigned customized descriptor for each of the selectable items, for performing a desired action when a particular item is selected."

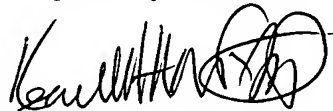
Therefore, it is respectfully submitted that Claim 27 is not obvious in view of the cited references, taken singly or together, and not without using improper hindsight reconstruction. Withdrawal of the Examiner's rejection and allowance of Claim 27 are respectfully requested.

Dependent Claim 28 is considered allowable over the cited references based upon their dependence from Claim 27. Withdrawal of the Examiner's rejection and allowance of Claim 28 are respectfully requested.

The art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are not obvious in view of the cited references, taken singly or together, and not without the use of improper hindsight reconstruction. Therefore, it is respectfully submitted that the pending Claims are allowable, and that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth W. Float', with a stylized circular flourish at the end.

Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
2095 Hwy. 211 NW, #2F
Braselton, GA 30517
Telephone: (949) 257-7964